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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,024	04/25/2006	Jonathon Nicholas Whaley	MACL 7000	8326
7590 04/04/2008				
Senneger Powers 16th Floor One Metropolitan Square St. Louis, MO 63102			EXAMINER THOMAS, ALEXANDER S	
			ART UNIT 1794	PAPER NUMBER
			MAIL DATE 04/04/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/560,024

**Applicant(s)**

WHALEY, JONATHON NICHOLAS

**Examiner**

Alexander Thomas

**Art Unit**

1794

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 and 20 is/are pending in the application.
- 4a) Of the above claim(s) 9-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-8 and 20 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date 4/21/06
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election with traverse of Group I in the reply filed on 2/18/08 is acknowledged. The traversal is on the ground(s) that GB 2381744 does not disclose the claimed invention. This traversal is persuasive, however the restriction will be maintained because the instant special technical features do not define a contribution over the prior art disclosed by applicant at Figures 1a, 1b and page 17-23 of the instant specification and Resta 6,032,345. These references disclose the features set forth in claim 1 as noted in the rejections below.

The requirement is still deemed proper and is therefore made FINAL.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-3, 7 and 20 are rejected under 35 U.S.C. 102(a) as being anticipated by applicant's acknowledged state of the art. Applicant acknowledges that it is old in the art to make a washer with aperture from felt; see 1a, 1b and page 17-23 of the instant specification. Felt is defined as being a flexible, compressed fibrous material and therefore meets the limitation of being compressed at least around the periphery. Felt is also considered to meet the limitation of being a "wadding material" in view of the fact that it is soft and has resilient properties; see page 2, lines 19-23 of the instant

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specification. Concerning claims 2 and 3, the felt material that makes up the prior art washer is considered to meet these claims because it is capable of being fused, for example if adhesive was applied thereto the fibers of the felt the felt could be fused. Concerning claim 7, the aperture in the washer of the prior art could have been made by cutting the material and then removing the cut material, and therefore, reads on the claim.

4. Claims 1-3, 7 and 20 are rejected under 35 U.S.C. 102(a) as being anticipated by Resta 6,032,345. Resta discloses a washer comprising tufts of woolly material with an aperture; see column 1, lines 11-14 and Figure 3. The woolly material is compressed more at a center portion than at its outer edge if view of the lines drawn in the cross-section of the tufts Z in Figure 3. Concerning claims 2 and 3, the woolly material that makes up the prior art tuft is considered to meet this claim because it is capable of being fused, for example it could be fused together if adhesive was applied thereto. Concerning claim 7, the aperture in the tuft of the Resta could have been made by cutting the material and then removing the cut material, and therefore, reads on the claim.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over either applicant's acknowledged state of the art or Resta 6,032,345. The primary references each disclose a washer or tuft with aperture; see the above rejections under 35 USC 102. It is well-known in any art to concatenate articles as a means of storing said articles or as a means of handling said articles. It would have been obvious to one of ordinary skill in the art to connect together multiple washers disclosed in the primary reference in view of the teachings in the secondary reference as a means of storing the products before use with tufting apparatus.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over either applicant's acknowledged state of the art or Resta 6,032,345 each in view of Patchen 1,887,066. The primary references each disclose a washer or tuft with aperture; see the above rejections under 35 USC 102. The secondary reference discloses the use of cuts in the form of a cross in tufting washers to provide flexibility in the aperture area of the washer; see page 1, lines 86-97. It would have been obvious to one of ordinary skill in the art to provide the washers of the primary references with cuts in the shape of a cross as taught by the secondary reference in order to provide the desired flexibility for a particular end use.

***Allowable Subject Matter***

8. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Thomas whose telephone number is 571-272-1502. The examiner can normally be reached on 6:30-4:00 M-THUR.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alexander Thomas/  
Primary Examiner  
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